

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 5 and 7-16 remain active in this case, and stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-11 of U.S. Patent No. 6,665,303.

In response to the rejection of Claims 5 and 7-16 on the ground of nonstatutory obviousness-type double patenting as obvious over Claims 1-11 of U.S. Patent No. 6,665,303, in order to expedite issuance of a patent from the present application, submitted herewith is a duly executed Terminal Disclaimer.¹ Accordingly, Applicants respectfully submit that the rejection is overcome.

Consequently, in view of the Terminal Disclaimer filed herewith, no further issues are outstanding, and the present application is in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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¹ As per MPEP 804.02, “[t]he filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). The court indicated that the “filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection.”